

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO CONTINUE

Plaintiff, Singular Computing LLC (“Singular”), respectfully submits this opposition to Google LLC’s (“Google”) motion to continue. At the August 21, 2023 status conference, Google’s counsel requested that the Court move the trial date from January 8, 2024 to January 15, 2024. Dkt. No. 574, Tr. at 4:11-22. Google argued that the move was necessary because Google believes that “it’s important for our whole team to be there on the ground a full week ahead” of the trial. *Id.* at 4:14-15. Google does not want to force its trial team to “leave their families and fly over the New Year’s weekend.” *Id.* at 4:15-17. The Court responded that it would be treating this request as a motion to continue. *Id.* at 4:23-24. For the reasons set forth below, Google’s motion should be denied.

Although Google’s counsel acknowledged that Singular declined to join Google’s request to move the trial from January 8, 2024 to January 15, 2024, Google’s counsel also argued that “[Singular] didn’t indicate any real conflict.” *Id.* at 4:19-22. Singular, however, was never asked if moving the trial a week would create any conflicts. Had Singular been asked, Singular would have informed Google that moving the trial out a week would in fact create a conflict. Specifically, Singular’s technical expert, Dr. Sunil Khatri, who is also a professor at Texas A&M University, begins his school semester on January 16, 2024. Moving the start of trial to January

15, 2024 creates a conflict for Dr. Khatri. Keeping the January 8, 2024 trial date works much better because Dr. Khatri will be on winter break during that week.

In addition, prior to filing its unopposed motion to continue the trial (Dkt. No. 558), the parties conferred to identify any potential conflicts where the parties' lead counsel have previously scheduled trials. Neither party identified any conflicts in the month of January 2024.

In view of the above, Google's motion to continue the trial should be denied.

Dated: August 22, 2023

Respectfully submitted,

/s/ Kevin Gannon

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ATTORNEYS FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Kevin Gannon _____